

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CARDSOFT (ASSIGNMENT FOR THE
BENEFIT OF CREDITORS), LLC,

Plaintiff,

V.

FIRST DATA CORPORATION,
FIRST DATA MERCHANT SERVICES
CORPORATION, AND
TASQ TECHNOLOGY, INC.,

Defendants.

Civil Action No. 2:13-CV-00290-JRG
JURY TRIAL DEMANDED

DECLARATION OF DIANA M. RUTOWSKI IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE PORTIONS OF PLAINTIFF'S REVISED
INFRINGEMENT CONTENTIONS UNRELATED TO VIRTUAL MACHINE

I, Diana M. Rutowski, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this Declaration, except as otherwise stated. I am competent to testify as to all matters stated, and if called upon to do so, I would testify to the facts set forth in this Declaration.
2. I am an attorney at Orrick, Herrington & Sutcliffe LLP, counsel for Defendants First Data Corporation, First Data Merchant Services Corporation, and TASQ Technology, Inc. (collectively, “First Data” or “Defendants”) in this action. I submit this declaration in support of Defendants’ Motion to Strike Portions of Plaintiff’s Revised Infringement Contentions Unrelated to Virtual Machine.
3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff’s Disclosure of Asserted Claims and Preliminary Infringement Contentions dated August 2, 2013.
4. Attached hereto as **Exhibit B** is a true and correct copy of an email chain in June and July 2014 between me and Barry Golob, counsel for CardSoft.

5. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff's Supplemental Disclosure of Asserted Claims and Infringement Contentions dated August 1, 2014.
6. Attached hereto as **Exhibit D** is a true and correct copy of an email from me to Chad Stouffer and Barry Golob, dated August 07, 2014.
7. Attached hereto as **Exhibit E** is a true and correct copy of CardSoft's Supplemental Appendix to its Infringement Contentions dated August 29, 2014
8. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt from the October 14, 2014 motion hearing transcript in *CardSoft (Assignment for the Benefit of Creditors), LLC v. First Data Corporation*, No. 2:13-cv-00290-JRG (E.D. Texas).
9. Attached hereto as **Exhibit G** is a true and correct copy of Plaintiff's Revised Disclosure of Asserted Claims and Infringement Contentions dated June 29, 2015.
10. Attached hereto as **Exhibit H** is a true and correct copy of a redline document which compares CardSoft's August 2014 contentions with its June 2015 contentions.
11. Attached hereto as **Exhibit I** is a true and correct copy of an email from Nagendra Setty to Barry Golob, counsel for CardSoft, dated July 01, 2015.
12. Attached hereto as **Exhibit J** is a true and correct copy of a TechCrunch article announcing Clover.
13. Attached hereto as **Exhibit K** is a true and correct copy of a screen shot of the HARBORTOUCH website and a screen shot of the GlobalPAY website.
14. Attached hereto as **Exhibit L** is a true and correct copy of a redline document illustrating which portions of CardSoft's Revised Infringement Contentions should be stricken.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2015
Menlo Park, California

/s/ Diana M. Rutowski
Diana M. Rutowski